

Meeting Minutes

STATE BOARD OF BUILDING REGULATIONS AND STANDARDS

S:\BBR\BBRS\AGENDA\2013 Agenda\02_February\BBRS Minutes February 12, 2013

A meeting of the Board of Building Regulations and Standards (BBRS) was held at 1 p.m. on Tuesday, February 12, 2013 at the Ashburton Café, One Ashburton Place, Boston, MA 02108

PRESENT

Alexander MacLeod (SM), Chair - Registered Architect
Brian Gale (BG), Vice-Chair - Building Official from a Town
 Rob Anderson (RA) -Chief of Inspections- Buildings
 Richard Crowley (RC) -Building Trades
 Jerry Ludwig (JL) -Registered Professional Engineer (Mechanical)
 Gary Moccia (GM), - Registered Professional Engineer (Structural)
 Timothee Rodrique (TR) - Designees for Stephen Coan, State Fire Marshal, DFS
 Stanley Shuman (SS) -General Contractor of Commercial/Industrial Buildings

ABSENT

Kevin Gallagher (KG) -Head of a Local Fire Department
 Thomas Perry (TP) -Building Official from a City
 Harry Smith (HS) -One- and Two-Family Homebuilders

Tom Riley (TMR) and Mike Guigli (MSG) from DPS were present as well as others as indicated on the attendance sheet, which is on file at DPS. These minutes contain some record of discussion but essentially just motions*, seconds, votes, and actions. Documents that were either viewed or discussed at this meeting are shown in, or below, this table of minutes.

*(Motion, Second, All, if unanimous BBRS vote)

Old Business (OB)	Time ¹
SM called the meeting to order.	1:05
OB #1 BBRS approved 'BBRS Minutes January 8, 2012 (approved February 12 2013).doc' (RA, BG All)	1:06
OB #2. Actions from previous BBRS Meetings a. Staff and RA noted that the DPS website has been updated to allow for submittal of 'amended' construction control documents during the 6 month trial period. Comments received on the documents will be reviewed in May/June and edits to some of the documents will likely be proposed for BBRS consideration. c. Staff provided the BBRS with an update on the vinyl siding and window interaction issue. After discussion <u>Staff took an action to generate one or more proposals to eliminate the problem.</u> These proposals will be available for BBRS action at the Mar meeting. (1:16 to 1:23)	
OB #3 Discussion and votes on code change proposals on 780 CMR: a. A meeting of local building officials, state building inspectors, and Staff was held on Jan 31 to review Chapter 1. Key decisions include agreement on the need for incorporating clear language on maintenance responsibility and incorporation of MA amendments into Chapter 1 to facilitate use of the code. At least one more meeting will be held to review final recommendations to the BBRS.	1:25
New Business (NB)	
NB #1: BBRS approved 65 new CSLs issued in January 2013 (BG, GM, All)	1:25
NB #2: BBRS approved reinstatement for George Alevras CS-062116 and Richard Wiles CS-050898 with medical justification. (RA, BG, All)	1:25

<p>NB #4: BBRs <u>approved the recommendations and imposed the actions contained in 'BOCC December 5 2012 meeting minutes.doc' and 'BOCC January 9 2013 meeting minutes.doc' with the understanding that action on the Shapiro issue as noted by RA in the Dec minutes, is still in process.</u> (RC, BG, All) 1:34</p>	1:30
<p>NB #7 Other new business:</p> <p>c. RC noted several construction issues arising as a result of the sheet metal regulations. One concern is misunderstanding of what sheet metal code is actually in effect. Apparently, some believe that the recently <i>proposed</i> sheet metal code is actually in effect. <u>RA took an action to issue a constant contact message to clarify that the original code, which is based on the IMC is the <i>only</i> sheet metal code in effect at this time.</u> (1:38)</p> <p>d. GM noted a recent court decision that deemed fiber optic cable as non electrical (and thus not governed by the 527 CMR 12) and in his opinion a building permit should be required for installation of it. TR noted that further steps taken as a result of the court action may be forthcoming. BBRs took no action at this time. (1:40)</p> <p>a. Appeals Hearing Dockets 13-1219 and 13-1220^{2,3}. (1:48)</p> <p>Docket 13-1219 was originally heard by the Appeal Board on January 22. No decision was made at that time and instead the Appeals Board moved both dockets to the full BBRs membership for consideration and vote. SA turned the chair of these BBRs appeal hearings to RA.</p> <p><u>Docket 13-1219 Property Location: 328 Lincoln Ave, Amherst MA 01002</u> (1:50)</p> <p>After RA reviewed protocol including swearing in by those testifying, Docket 13-1219 was opened. Testimony was provided first by the appellant's attorney Alan Seewald, and then by Amherst building commissioner Rob Morra. After more than an hour long discussion with questions directed to both parties the BBRs <u>approved a motion that Docket 13-1219 is not a change in use to a congregate living facility</u> (GM, SS, Approved) SM, BG, RC, JL, SS, GM↑ TR↓ 3:03.</p> <p><u>Docket 13-1220 Property Location: 321 Lincoln Ave, Amherst MA 01002</u> (3:05)</p> <p>RA opened this docket, and those testifying were sworn in. TR noted that the issues contained in this docket are very similar to Docket 13-1219 so the chair deemed that the record of it is applicable to Docket 13-1220. Testimony was provided on issues unique to this docket, two dwelling units vs. one dwelling unit, etc., and after discussion the BBRs <u>approved a motion that Docket 13-1220 is not a change in use to a congregate living facility</u> (GM, SS, Approved) SM, BG, JL, SS, GM↑ RC, TR↓ (3:20).</p> <p>RA closed the appeal hearing.</p>	
<p>BBRs <u>approved a motion to adjourn</u> (BG, JL, All)</p>	3:22

Notes

1. Time is E.S.T.
2. Staff provides this summary as a convenience for those seeking further description of this agenda item. The violation notice from the building commissioner to the appellant cites a failure to comply with the requirements of '780 CMR 3401.1 regarding a change in occupancy from a single family dwelling to a congregate living facility'. According to the material in Docket 13-1219 the appellant purchased a dwelling that was previously 'owner-occupied'. After the sale, the appellant rented the dwelling to several students, without filing for a building permit for a change in occupancy. In essence the question that the BBRs sought to answer is 'does the evidence and testimony presented support a change in use or occupancy to an R-3 congregate living facility from its former use or occupancy'? DPS will issue a typical appeal hearing decision for each docket.
3. Documents on file at DPS and reviewed as part of this agenda item:

310 IBC 2009.pdf	Docket_13-1219_Lease.pdf
310.2 and Congregate Living Definition.pdf	Docket_13-1219_Memo.pdf
328-Bathroom1.jpeg	Docket_13-1219_Violation.pdf
328-Bathroom2.jpeg	Docket_13-1220_Lease_1.pdf
328-Entry.jpeg	Docket_13-1220_Lease_2.pdf
328-Kitchen.jpeg	Docket_13-1220_Memo.pdf
328-Living Room.jpeg	Docket_13-1220_Violation.pdf
328-TV Room.jpeg	MGL Chapter 140 Section 22.doc